



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/160808

PRELIMINARY RECITALS

Pursuant to a petition filed September 22, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on October 21, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (the agency) correctly ended the Petitioner's child care benefits effective October 1, 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Pang Thao-Xiong, Income Maintenance Specialist Advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On August 14, 2014, the Petitioner completed and signed a FoodShare and/or Child Care Six Month Report Form (SMRF). In that SMRF, the Petitioner reported no changes in her income. The SMRF was received by the agency on August 19, 2014. (Exhibit 3, pgs. 27-36)

3. At that same time, the Petitioner provided a paystub showing that she works 80 hours every two weeks and is paid \$15.68 an hour. (Exhibit 3, pg. 47)
4. On August 22, 2014, the agency sent the Petitioner a notice indicating that effective October 1, 2014, she would no longer be eligible for childcare benefits because her income was over the program limit. (Exhibit 3, pgs. 60-61)
5. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and appeals on September 22, 2014. (Exhibit 1)
6. Petitioner's household consists of two people, the Petitioner and her child. (Exhibit 3, pgs. 4, 14 and 28)

DISCUSSION

In order for initial applicants to be eligible for Child Care benefits, household income must be below 185% of the Federal Poverty Limit (FPL). *Wisconsin Shares Child Care Assistance Manual (CCM)* §1.6.2 For on-going eligibility, income cannot exceed 200% FPL. *CCM* §1.6.3 Income is evaluated on the basis of gross monthly income. *Id.* at §1.6.4

This case concerns on-going benefits. As such, in order for Petitioner to be eligible for benefits during the time in question, her income needed to be at or below 200% FPL, which for an assistance group size of 2 is \$2622. See <https://www.federalregister.gov/articles/2014/01/22/2014-01303/annual-update-of-the-hhs-poverty-guidelines>

In calculating income for child care purposes, estimated amounts using the 4.3 weekly pay period or 2.15 bi-weekly pay period multipliers are used. *Process Help* §16.4.3 Thus, Petitioner's monthly income works out to be as follows:

$$80 \text{ hours} \times \$15.68 \times 2.15 \text{ average bi-weekly pay periods per month} = \$2696.96$$

\$2696.96 is over the \$2622, 200% FPL income limit. Consequently, the agency correctly ended the Petitioner's childcare benefits.

The Petitioner submitted additional paystubs in Exhibit 2, but they reflect the same information – that the Petitioner works 80 hours every two weeks and is paid \$15.68 an hour.

The Petitioner questioned why she lost benefits, when her income has not changed. According to the agency's records, the Petitioner correctly reported her income on her initial application in February 2014. However, the agency made a mistake and only counted \$2000 of her income. (See Exhibit 3, pgs. 15 and 67) Consequently, the agency incorrectly approved the Petitioner for childcare in February 2014.

CONCLUSIONS OF LAW

The agency correctly ended the Petitioner's childcare benefits effective October 1, 2014.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 15th day of December, 2014.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 15, 2014.

Milwaukee Enrollment Services
Child Care Benefits